

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
DECEMBER 15, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, DECEMBER 1, 2010

ITEMS NOT ADDRESSED ON THE AGENDA _____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

SECTION I PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING THE 2010 BULLETPROOF VEST GRANT
FROM THE UNITED STATES DEPARTMENT OF JUSTICE. (Communication No. 10-631 being
held in Committee of the Whole). Proof of Publication.

SECTION II CONSENT AGENDA

- A.
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. [10-645](#) Jeffrey L. Miller, Director of Butte-Silver Bow Fire Services, requesting Council's permission to apply for a F.E.M.A., Assistance to Firefighters Grant for a self-contained breathing apparatus (SCBA) fill compressor. **Recommendation: Concur and place on file.**
2. [10-646](#) Jeffrey L. Miller, Director of Butte-Silver Bow Fire Services, requesting Council's authorization for the Chief Executive to enter into a contractual agreement with Healthy Mothers, Healthy Babies. **Recommendation: Concur and place on file.**
3. [10-648](#) Dave Cunningham, Operations Manager Butte-Silver Bow Public Works Services Division, requesting Council's authorization to schedule a bid opening for December 29, 2010. **Recommendation: Concur and schedule bid opening for December 29, 2010.**

4. [10-649](#) Roxie Larson, Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
5. [10-650](#) Lori Maloney, Clerk of the Court, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
6. [10-651](#) Paul Babb, Chief Executive, requesting Council's concurrence in new appointment and reappointments to the Civic Center Board. **Recommendation: Concur and place on file.**
7. [10-652](#) Charlie O'Leary, President Mile High Back Country Horsemen, requesting Council's authorization of an exemption of raffle permit requirement for Mile High Back Country Horsemen March 25-27, 2011. **Recommendation: Concur and place on file.**
8. [10-653](#) Jeremy Weber, Extension Agent, MSU Extension, Butte-Silver Bow County, requesting Council's authorization for the Chief Executive to sign the MSU Extension Services Agreement and Salary Adjustment Verification Form for FY 2011. **Recommendation: Concur and place on file.**
9. [10-654](#) Emily Tafoya, MSDI Executive Director, requesting Council's approval of Special Events Permit for the dates of February 11-12, 2011 to conduct Montana's Premiere Sled Dog Race Events. **Recommendation: Concur and place on file.**
10. [10-655](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, informing Council of the Committee recommendations for the years 2011-2012. **Recommendation: Note and place on file.**
11. [10-656](#) Robert A. Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a request to purchase County-Owned Property. **Recommendation: Concur and hold in Committee of the Whole.**
12. [10-657](#) Terri R. Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization of a contract with the Montana Department of Public Health and Human Services. **Recommendation: Concur and place on file.**
13. [10-658](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public works Department, requesting a bid opening be scheduled on December 29, 2010 for bids for a Flat Bed Truck with Boom. **Recommendation: Concur and schedule bid opening for December 29, 2010.**
14. [10-659](#) Gary Keeler, Transit and Landfill coordinator, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

15. [10-660](#) Jeff Amerman, Director Finance and Budget, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
16. [10-661](#) Paul Babb, Chief Executive, requesting concurrence in new appointments and reappointment to the Butte-Silver Bow Public Library Board. **Recommendation: Concur and place on file.**
17. [10-662](#) Paul Babb, Chief Executive, requesting concurrence in reappointments to the Butte-Silver Bow Board of Health. **Recommendation: Concur and place on file.**
18. [10-663](#) Paul Babb, Chief Executive, requesting concurrence in reappointment to the Butte-Silver Bow Park and Recreation Board. **Recommendation: Concur and place on file.**
19. [10-664](#) Paul Babb, Chief Executive, requesting concurrence in reappointments to the Friends of the Urban Board. **Recommendation: Concur and place on file.**
20. [10-666](#) Dave Cunningham, Operations Manager, Services Division, Butte-Silver Bow Public Works Department, requesting Council schedule a public hearing on December 29, 2010 concerning amending the budget to allow for increased expenditures of unanticipated revenue from a silent auction conducted by Butte-Silver Bow Public Works. **Recommendation: Concur and schedule a public hearing for December 29, 2010.**
21. [10-667](#) Dave Cunningham, Operations Manager, Services Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an easement for a warning sign to be placed at MP 119.5 on I-15 South of the Silver Bow Interchange. **Recommendation: Concur and place on file.**
22. [10-668](#) Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with DOWL HKM for Planning, Engineering, Design and Construction Services for the Water Division Supply, Treatment, Storage and Distribution System Improvements. **Recommendation: Concur and place on file.**
23. [10-669](#) Karen Byrnes, Director, Community Development Department, requesting Council's authorization for the Chief Executive to sign a Homeowner Deferred Repayment Assistance Agreement and a Housing Rehabilitation Lien Agreement for rehab work on the 600, 700, and 800 blocks of South Main Street. **Recommendation: Concur and place on file.**

24. [10-670](#) Karen Byrnes, Director, Community Development Department, requesting Council's authorization for the Chief Executive to sign contracts with Werks Construction, Brackett Contracting and Ingraham Environmental for work to be conducted at 675 S Main. **Recommendation: Concur and place on file.**
25. [10-671](#) Paul Babb, Chief Executive, requesting Council's authorization in reappointment to the Fair Board. **Recommendation: Concur and place on file.**
26. [10-672](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointment to the Divide Refuse Board. **Recommendation: Concur and place on file.**
27. [10-673](#) Paul Babb, Chief Executive, requesting Council's concurrence in new appointments and reappointment to the Greenway Service District. **Recommendation: Concur and place on file.**
28. [10-674](#) Paul Babb, Chief Executive, requesting Council's concurrence in new appointment and reappointments to the Tax Increment Financing Industrial District (TIFID) Board. **Recommendation: Concur and place on file.**
29. [10-675](#) Eileen Joyce, Butte-Silver Bow County Attorney, requesting Council's authorization to retain Robert Carlson and his firm as outside legal counsel to defend the City-County in lawsuit Brown v. Butte-Silver Bow, et. Al Cause No. CV-10-44-BU-RFC. **Recommendation: Concur and place on file.**
30. [10-676](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign a sub-recipient agreement with Headwaters RC&D and a grant assistance agreement with MERDI for a CDBG-ED Grant. **Recommendation: Concur and place on file.**
31. [10-677](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign an agreement with Kone Elevators to furnish and install a new infra-red door detector. **Recommendation: Concur and place on file.**
32. [10-678](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign a Preserve America Grant application to update the Regional Historic Preservation Plan. **Recommendation: Concur and place on file.**
33. [10-679](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council schedule a public hearing on January 5, 2011 regarding the update to Butte-Silver Bow's transit plan for disabled transportation. **Recommendation: Concur and schedule public hearing for January 5, 2011.**

34. [10-680](#) Mike Clague, Butte-Silver Bow Deputy County attorney, requesting Council's authorization for the Chief Executive to sign Butte-Silver Bow DUI Court Retainer Agreements with Dave Vicevich, a contract with Research and Survey Consulting and a Purchase of Service Agreement with CCCS, Inc. **Recommendation: Concur and place on file.**
35. [10-681](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a Development Agreement with Panterra Minerals. **Recommendation: Concur and place on file.**
36. [10-682](#) Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization of a request for land exchange. **Recommendation: Concur and hold in Committee of the Whole.**

SECTION III

COMMUNICATIONS TO BE READ AND ACTED UPON

- [10-603](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of the confirmation of two probationary police officers on December 29, 2010 to the Butte-Silver Bow Law Enforcement Department.
- [10-665](#) James and Jana Mackin, 24 O'Neil, and Jeff Hoffman, 6 Gladstone Terrace, requesting time on the December 15, 2010 agenda to discuss a petition, signed by residents of Walkerville.

SECTION IV

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

COUNCIL BILL NO. [10-12](#) ORDINANCE NO. 10-12

AN ORDINANCE AMENDING ORDINANCES NO. 53 AND 325, ALSO KNOWN AS THE "ZONING ORDINANCE" AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.04 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 17.06 ENTITLED "DISTRICTS, BOUNDARIES AND MAP"; AMENDING THE TITLE OF CHAPTER 17.21 ENTITLED "I/OS INSTITUTIONS AND OPEN SPACE ZONING" TO BE REPLACED WITH "OS-C CONSERVATION OPEN SPACE ZONING DISTRICT"; REPEALING SECTIONS 17.21.010, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.060, 17.21.070, 17.21.080, 17.21.090 AND 17.21.100 ADDING NEW SECTIONS TO BE NUMBERED 17.21.110, 17.21.120, 17.21.140, 17.21.150, 17.21.160, 17.21.170, 17.21.180, 17.21.190, 17.21.200, 17.21.210 AND 17.21.220; AMENDING THE TITLE OF CHAPTER 17.22 ENTITLED "C-1 LOCAL COMMERCIAL ZONE" TO BE REPLACED WITH "OS-D DEVELOPABLE OPEN SPACE ZONING DISTRICT"; ADDING NEW SECTIONS TO BE NUMBERED 17.22.010, 17.22.020, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110, 17.22.120; ADDING A NEW CHAPTER TO BE NUMBERED 17.23 ENTITLED "LOCAL COMMERCIAL ZONE"; RENUMBER-

ING SECTIONS 17.22.010, 17.22.020, 17.22.030, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110 AND 17.22.120 TO BE NUMBERED AS 17.23.010, 17.23.020, 17.23.030, 17.23.040, 17.23.050, 17.23.060, 17.23.070, 17.23.080, 17.23.090, 17.23.100, 17.23.110 AND 17.23.120; AMENDING CHAPTER 17.38 ENTITLED "SPECIAL PROVISIONS"; AMENDING CHAPTER 17.40 ENTITLED "OFF STREET LOADING AND PARKING" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**COUNCIL BILL NO. [10-13](#)
ORDINANCE NO. 10-13**

AN ORDINANCE ADOPTING REGULATIONS FOR THE CONTROL AND MANAGEMENT OF STORM WATER TO BE CODIFIED AS CHAPTER 32 OF TITLE 13 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "STORM WATER MANAGEMENT"; REGULATING THE DESIGN, CONSTRUCTION, USE AND MAINTENANCE OF ANY DEVELOPMENT OR OTHER ACTIVITY WHICH MAY RESULT IN IMPACTS TO WATER BODIES, PROVIDING FOR ADOPTION OF MUNICIPAL STORM WATER ENGINEERING STANDARDS; PROVIDING FOR OWNERSHIP OF STORM WATER MANAGEMENT FACILITIES AND BUTTE-SILVER BOW PARTICIPATION; SETTING FORTH REGULATIONS FOR MANAGEMENT, CONSTRUCTION AND INSPECTION OF FACILITIES; DEFINING AND PROHIBITING ILLICIT DISCHARGES TO THE BUTTE-SILVER BOW STORM WATER SYSTEM; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PERMITS AND FEES; PROVIDING FOR PENALTY FOR VIOLATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION V

**ORDINANCES AND RESOLUTIONS
FINAL READING**

COUNCIL RESOLUTION NO. [10-91](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 11 AND 12 IN BLOCK 64 OF THE ORIGINAL BUTTE TOWNSITE, BUTTE-SILVER BOW COUNTY, MONTANA, IDENTIFIED AS PARCEL NO. 002004900 IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA LAND RECORDS, FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-92](#)

A RESOLUTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA, BUTTE-SILVER BOW CHAMBER OF COMMERCE AND THE NATIONAL ASSOCIATION OF RAILROAD PASSENGERS SUPPORTING THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 AND URGING FEDERAL SUPPORT FOR REESTABLISHING PASSENGER RAIL SERVICE THROUGH SOUTHERN MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-93](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING WEST PARK PLACE, A PORTION OF EAST PARK PLACE AND A PORTION OF SOUTH PARK PLACE WITHIN OR ADJACENT TO BLOCK 23 AND THE GREELEY SCHOOL PARK OF THE SILVER BOW PARK ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

COUNCIL RESOLUTION NO. [10-94](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW METRO SEWER FROM THE STATE REVOLVING FUND (SFR) TO ASSIST IN FUNDING THE PHASE 1A WASTEWATER TREATMENT PLAN UPGRADES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-95](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE DISTRICT COURT FROM A FEDERAL APPROPRIATION FOR AN AFTER SCHOOL PROGRAM TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-96](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW RISK MANAGEMENT DEPARTMENT FROM THE RISK MANAGEMENT CASH RESERVES FOR THE PURPOSE OF PURCHASING OSHA COMPLIANCE SAFETY MONITORING EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-97](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO DISASTER AND EMERGENCY SERVICES FROM A FEDERAL APPROPRIATION FOR THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-98](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM A DEPARTMENT OF JUSTICE GRANT FOR THE ESTABLISHMENT OF A DRIVING UNDER THE INFLUENCE (DUI) DRUG COURT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-99](#)

RESOLUTION RELATING TO BUTTE-SILVER BOW TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT #2; AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT IMPROVEMENT AND REFUNDING BONDS, SERIES 2010, AND THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS.

COUNCIL RESOLUTION NO. [10-100](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-101](#)

A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF PROPERTY OWNED BY THE ESTATE OF VALERIE SCHONBERG, LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST, SILVER BOW COUNTY MONTANA IN EXCHANGE FOR PROVIDING TO THE ESTATE OF VALERIE SCHONBERG A PARCEL OF PROPERTY OWNED BY THE CITY-COUNTY OF BUTTE-SILVER BOW KNOWN AS A PORTION OF LOT 1-C OF THE STRIZIC MINOR SUBDIVISION AS SHOWN ON PLATE 245A, LOCATED IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST SILVER-BOW COUNTY MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI CALENDAR OF OTHER MEETINGS AND EVENTS

December 16	Zoning Board of Adjustment	5:30 p.m.	Council Chambers, 3 rd Floor, Courthouse
December 20	Airport Authority	Noon	Bert Mooney Airport
December 21	Housing Authority	5:30 p.m.	Silver Bow Homes Housing
December 21	Parks and Recreation	4:15 p.m.	Civic Center Conference Room
December 22	Local Emergency Planning Com.	4:00 p.m.	Chief Executive's Conference Room
December 22	Port of Montana	Noon	Hub Center, Silver Bow Montana
December 23	Business Development Center	10:00 a.m.	Business Development Center
December 29	Parking Commission	9:00 a.m.	Chief Executive's Conference Room
December 30	Planning Board	7:00 p.m.	Council Chambers, 3 rd Floor Courthouse
January 4	Historic Preservation Commission	5:30 p.m.	1 st Floor Conference Room
January 4	Weed Board	7:00 p.m.	Weed Department
January 5	Butte Aids Support Services	7:00 p.m.	Community Center
January 5	Board of Health	7:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT DECEMBER 8, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW
COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 08-793

Charlie O'Leary, Commissioner District No. 5, requesting Council investigate health issues of discarded railroad ties along railroad tracks to the Industrial Park. *Committee recommends that Communication No. 08-793 be placed on file.*

SECTION II COMMUNICATION NO. 10-399

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians' similar status as other Emergency Responders. *Committee recommends that Communication No. 10-399 be placed on file.*

SECTION III COMMUNICATION NO. 10-445

Charlie O'Leary, Butte-Silver Bow Commissioner District Number 5, requesting Council take the lead in the process of disposing of some parcels of parkland that have been deemed excess land and recommended for sale. *Committee recommends that Communication No. 10-445 be held in abeyance.*

SECTION IV COMMUNICATION NO. 10-480

Dr. Linda Reksten, Superintendent Butte School District #1, requesting Council's authorization to negotiate a trade of land in order to accommodate the sale of the Greeley School. *Committee recommends that Communication No. 10-480 be held in abeyance.*

SECTION V COMMUNICATION NO. 10-566

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a property swap in the Strizic Minor Subdivision known as Lot 1C (parcel No. 1924290) in section 17, Township 3 North, Range 7 West and request the County Attorney's Office to prepare the Resolution and Deed for transfer of the County-Owned property to the appropriate parties. **Committee recommends that Communication No. 10-566 be cross-referenced with Council Resolution No. 10-101 and be placed on file.**

SECTION XIII

COMMUNICATION NO. 10-624

Nicole von Gaza, Public Relations Coordinator, Butte Citizens for Preservation and Revitalization, Inc. requesting time on the November 23, 2010 Committee of the Whole Agenda to speak in regards to the Greek Café Revitalization. *Committee recommends, by a roll call vote of 7 yeas and 3 nays, to move the Greek Café (Communication No. 10-624) to Developer's packet process using existing public/grant funds only within time constraints as set forth in Developer's Packet. If no qualified Developer is found when the Developer's Packet is due, the Greek Café Building will be scheduled for demolition.*

SECTION XIV

COMMUNICATION NO. 10-625

Mark Reavis, Architect, Community Preservation Design, requesting time on the November 23, 2010 Committee of the Whole Agenda to speak regarding policies, procedures and programs of the Urban Revitalization Agency. *Committee recommends that Communication No. 10-625 be held in abeyance and be referred to the URA Board.*

SECTION XV

COMMUNICATION NO. 10-631

Karen Byrnes, Director, Community Development Department, requesting Council's authorization to schedule a public hearing for December 15, 2010 to receive comment on the 2010 Bullet-proof Vest Grant from the United States Department of Justice. *Committee recommends that Communication No. 10-631 be held in abeyance pending Public Hearing December 15, 2010.*

SECTION XVI

COMMUNICATION NO. 10-634

Edward Banderob, 2601 Grand Avenue, Butte, Montana, requesting Council's consideration of six items regarding the Greeley Area Plan. *Committee recommends that Communication No. 10-634 be held in abeyance.*

SECTION XVII

COMMUNICATION NO. 10-636

Bob Rowling, Director, Butte-Silver Bow Parks and Recreation, requesting Council's concurrence to increase Highland View Gold Course 2011 rates and fees. *Committee recommends that Communication No. 10-636 be moved to Finance and Budget for further discussion.*

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 8, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee respectfully recommend as follows:

SECTION I COMMUNICATION NO. 10-539

Terry Schultz, Butte-Silver Bow Council of Commissioners, District Number 4, requesting Council's authorization of an ordinance prohibiting "hand held electronic devices" while operating a motor vehicle. *Committee recommends to concur with the request of Communication No. 10-539 and move to the County Attorney's Office to draft an ordinance.*

SECTION II COMMUNICATION NO. 10-581

Charlie O'Leary, Council of Commissioners, District 5, requesting Council's consideration of a Dog Leash Area. *Committee recommends that Communication No. 10-581 be held in abeyance waiting for recommendation from the Animal board.*

SECTION III COUNCIL RESOLUTION NO. [10-91](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 11 AND 12 IN BLOCK 64 OF THE ORIGINAL BUTTE TOWNSITE, BUTTE-SILVER BOW COUNTY, MONTANA, IDENTIFIED AS PARCEL NO. 002004900 IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA LAND RECORDS, FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-91 be moved to final reading.*

SECTION IV COUNCIL RESOLUTION NO. [10-92](#)

A RESOLUTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA, BUTTE-SILVER BOW CHAMBER OF COMMERCE AND THE NATIONAL ASSOCIATION OF RAILROAD PASSENGERS SUPPORTING THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 AND URGING FEDERAL SUPPORT FOR REESTABLISHING PASSENGER RAIL SERVICE THROUGH SOUTHERN MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-92 be moved to final reading.*

SECTION V

COUNCIL RESOLUTION NO. [10-93](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING WEST PARK PLACE, A PORTION OF EAST PARK PLACE AND A PORTION OF SOUTH PARK PLACE WITHIN OR ADJACENT TO BLOCK 23 AND THE GREELEY SCHOOL PARK OF THE SILVER BOW PARK ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 10-93 be moved to final reading.*

SECTION VI

COUNCIL RESOLUTION NO. [10-94](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW METRO SEWER FROM THE STATE REVOLVING FUND (SFR) TO ASSIST IN FUNDING THE PHASE 1A WASTEWATER TREATMENT PLAN UPGRADES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-94 be moved to final reading*

SECTION VII

COUNCIL RESOLUTION NO. [10-95](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE DISTRICT COURT FROM A FEDERAL APPROPRIATION FOR AN AFTER SCHOOL PROGRAM TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-95 be moved to final reading*

SECTION VIII

COUNCIL RESOLUTION NO. [10-96](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW RISK MANAGEMENT DEPARTMENT FROM THE RISK MANAGEMENT CASH RESERVES FOR THE PURPOSE OF PURCHASING OSHA COMPLIANCE SAFETY MONITORING EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-96 be moved to final reading*

SECTION IX

COUNCIL RESOLUTION NO. [10-97](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO DISASTER AND EMERGENCY SERVICES FROM A FEDERAL APPROPRIATION FOR THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-97 be moved to final reading*

SECTION X

COUNCIL RESOLUTION NO. [10-98](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM A DEPARTMENT OF JUSTICE GRANT FOR THE ESTABLISHMENT OF A DRIVING UNDER THE INFLUENCE (DUI) DRUG COURT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-98 be moved to final reading*

SECTION XI

COUNCIL RESOLUTION NO. [10-99](#)

RESOLUTION RELATING TO BUTTE-SILVER BOW TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT #2; AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT IMPROVEMENT AND REFUNDING BONDS, SERIES 2010, AND THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS. *Committee recommends that Council Resolution No. 10-99 be moved to final reading as amended.*

SECTION XII

COUNCIL RESOLUTION NO. [10-100](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-100 be moved to final reading.*

SECTION XIII

COUNCIL RESOLUTION NO. [10-101](#)

A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF PROPERTY OWNED BY THE ESTATE OF VALERIE SCHONSBERG, LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST, SILVER BOW COUNTY MONTANA IN EXCHANGE FOR PROVIDING TO THE ESTATE OF VALERIE SCHONSBERG A PARCEL OF PROPERTY OWNED BY THE CITY-COUNTY OF BUTTE-SILVER BOW KNOWN AS A PORTION OF LOT 1-C OF THE STRIZIC MINOR SUBDIVISION AS SHOWN ON PLATE 245A, LOCATED IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST SILVER-BOW COUNTY MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-101 be moved to final reading as amended.*

SECTION XIV

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

